

Libby ou 1



**Fw: FW:Secret meetings with Mayor Roll and Contractor
Sonya Pennock to: Carol Campbell**

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----- Forwarded by Sonya Pennock/R8/USEPA/US on 11/30/2010 02:45 PM -----

From: DC Orr <xcav8orr@hotmail.com>
To: Sonya Pennock/R8/USEPA/US@EPA
Date: 10/17/2010 09:08 AM
Subject: FW:Secret meetings with Mayor Roll and Contractor

Ms Pennock;

It is coming up on two weeks since I asked these questions. I must have answers before we can move ahead, with trust among the players, in Remedial Action on OU-1. The involvement of Noble Exc. and their subdivision plans goes straight to the heart of OU-1 restoration and the 10" waterline.

Sincerely, DC Orr

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Subject:
Date: Tue, 5 Oct 2010 06:47:26 -0600

Ms. Thomas;

Mayor Roll handed out three documents at the Oct. 4, 2010 City Council meeting that he claims come from EPA. These documents are dated Sept. 22, Sept. 29, and Oct. 4 all of 2010 and are not on EPA letterhead or signed by anyone from EPA. Some contain redactions, some have hand written notes on them, all have pertinent engineering information cut off of them. They are very unprofessional in nature and were obviously rushed to completion without fact checks resulting in mathematical errors on soil volumes and other important issues.

This was the first that Council had heard about these documents which have been being prepared to change the scope of work at OU-1 since the cancellation of the Sept.

14 meeting.

All of these documents are titled as "Planned Response Action Summary" for Operable Unit 1 (Area 1) at the Former Export Plant.

All identify plans to change the design documents that were released prior to the cancellation of the Sept. 14, 2010 meeting.

I have asked you to respond to my queries of that design plan, you have refused to answer the questions of an elected official.

Please explain who EPA is negotiating with on the remedial and restoration plans for OU-1. You have changed this document three times in a very short while and Chris Noble of Noble Excavating seems to be the only person negotiating for the City of Libby according to the Mayor and influencing the changes of design which have added \$200,000 worth of fill to be imported to the site.

Mr. Noble has complicated involvement in this issue and the City has no agreement as to the scope of his involvement. Is he working for EPA?

Noble Exc. installed the \$15,000 waterline that EPA has asserted was accepted by the City of Libby as restoration for destruction of our \$2 million in infrastructure. In my Nov. 2009 complaint to the OIG, I state that there is not enough development on the North side of the river to necessitate a 10" waterline being brought under the railroad tracks.

I stand corrected. Mr. Noble is in the process of developing a subdivision downstream of OU-1 that has plans to use that waterline and other City utilities and improvements. Mr. Noble began this process about the time his company installed the famous waterline.

The subdivision also necessitates the building of the spur road that Mayor Roll had added to the Park Plan when no one was looking and contributes to the loss of the railroad spur owned by the City. I have asked you to explain why that spur was deleted from the design plan, you refused to respond.

Please explain Chris Nobles involvement in the preparation of this change in the design plan. Be sure to estimate how much soil he will be paid to bring to OU-1 and the costs associated with that restoration action.

Please explain why you continue to develop plans for OU-1 but refuse to correspond with, or meet with, the City Council on the issue in any public venue. Please give full disclosure of your involvement in the investigation that we have heard so little about. You can give us generic details of your interview with Special Agent Sean Earle.

I have asked the Council to request that EPA halt all work on OU-1 until the investigation is complete and we can ascertain that information we receive from EPA is comprehensive, complete, and supported by the public record. Council cannot take action on my request because of conflict of interest among the members.

EPA needs to be more transparent in their actions concerning OU-1. Releasing documents through the Mayor that were developed in private with persons who have complicated personal involvement looks to me like another effort to deceive and defraud the people of Libby out of their rightful restoration compensation on OU-1.

I look forward to your response.

Sincerely, DC Orr